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09/991,754	11/26/2001	Janne Aaltonen	367.39525X00	5347

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EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/991,754

Applicant(s)

AALTONEN ET AL.

Examiner

Tilahun B. Gesesse

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/11/02 &amp; 11/26/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Objections***

2. Claims 12 and 13 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 11 depends in alternative form to claims 10 or 9, then, if Claims 12 and depends 11-9 and 9-12, then claims 12 and 13, depend improper dependent form. Therefore, appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-27,29-33,35-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Frantz (US 6,904,264).

Claim 1, Frantz discloses a controller (70) connectable to first (10) and second (50) wireless networks (broadcast network and wireless network, see figure 1), the controller comprising:

Frantz discloses a processor (70, content agent which process the request from user and broadcasts after verifying the user authentication) operable to initiate delivery of content by the first network (10) in response to a criterion being met by data derived from the second network (column 7, line 10-column 8, line 11 and figure 1).

Claim 2, Frantz discloses criterion establishing means operable to establish a criterion as a function of at least one indicia representative of user activity in the second network (column 7, line 10-column 8, line 11 and figure 1, in which the user has been subscriber and verification of identity is complete).

Claim 3, Frantz teaches the criterion establishing means is further operable to associate the criterion with particular content to be delivered over the first network (column 4, lines 40-column 5, line 10 and figure 1).

Claims 4 –6,18, Frantz teaches the processor is operable to initiate delivery of content whose associated criterion is met (column 7, line 10-column 8, line 11 and figure 1).

Claims 7,16, Frantz teaches the first wireless network is a unidirectional digital broadband network and the second wireless network is a bi-directional communications

network (see figure 1, in which link 20 being unidirectional broadcast digital and link 40 being bidirectional link ).

Claims 8 and 17, Frantz teaches the unidirectional digital broadband network is a Digital Video Broadcast (DVB) network (column 4, lines 40-column 5, line 22).

Claim 9,19. Frantz teaches a controller (70) connectable to first (10) and second (50) wireless networks (broadcast network and wireless network, see figure 1), the controller comprising:

Frantz discloses a processor (70, content agent) operable to initiate delivery of content by the first network (10) in response to a criterion being met by data derived from the second network (column 7, line 10-column 8, line 11 and figure 1).

Claims 10 and 22, Frantz teaches the controller includes criterion establishing the means operable to establish a criterion as a function of at least one indicia representative of user activity in the second network (see column 6, lines 33-column 7, line 30)

Claim 11, Frantz teaches the second network includes a register of user activity data derivable by the controller (column 6, line 33-column 7, line 30).

Claim 12 Frantz teaches the criterion establishing means is further operable to associate the criterion with a respective at least one content to be delivered by the first network (column 8, lines 1-14 and figure 1).

Claims 13-15,36-44 Frantz teaches at least one source of content, the source being responsive to the controller to supply content to the first network for delivery thereby (see figure 1 and it's disclosure).

Claim 20. Frantz teaches comparing the content with a profile of a user of a terminal such that content compatible with the profile is delivered (authenticate the user and payment for the content , see column 4, lines 1-19).

Claim 21, Frantz teaches the profile is obtained by determining a pattern of use of the second network by said user (see column 4, lines 20-39).

Claim 23, Frantz discloses the data derived from the second network comprises a number of connected user terminals to the second network (in terms of payment information , user request 40 includes the user's name credit card number and expiration date, column 3, lines 50-64).

Claim 24, Frantz teaches the first wireless network is a unidirectional digital broadband network and the second wireless network is a bi-directional communications network (see figure 1 and it's disclosure).

Claim 25, Frantz teaches the unidirectional digital broadband network is a Digital Video Broadcast (DVB) network (column 3, lines 10-42 , column 4, lines 40-61).

Claims 26-27 and 30-31. Frantz teaches a controller (70) connectable to a wireless unidirectional digital broadband network (column 3, lines 12-17 and signal 20 of figure 1) and to a wireless bi-directional communications network, (signals 40 and 8) the controller comprising:

Frantz teaches a processor operable to initiate delivery of content via the wireless unidirectional digital broadband network to a determined area in response to a number of user terminals in the determined area connected to the wireless bi-directional communications area (the content agent "processor" operation of unidirectional digital

broadcast (20) and bidirectional wireless communication (40 and 80 of figure 1)  
broadcast video or music or visual data to extended location "coverage which exceeds the threshold of coverage using satellite, see column 3, line 12-column 4, lines 40 and figure 1 and figure 2 and it's disclosure).

Claims 29 and 33, Frantz teaches all the limitation as explained above in claim 26. they are system claims in which corresponds with claim 26. Therefore, they are analyzed and rejected for the same reason as set forth in the claim.

Claim 32 Frantz teaches a content delivery system, ( see figure 1) comprising;  
Frantz teaches a wireless unidirectional digital broadband network (signal 20 of figure 1) '

Frantz teaches a wireless bi-directional communications network' (40 and 80 of figure 1),

Frantz teaches a controller connected to both networks (content agent 70 of figure 1"processor"), the controller comprising

Frantz teaches a processor a storage device (column 4, lines 62- column 5 , line 22).

Frantz teaches software means operative on the processor to maintain in the storage device a database including threshold values associated with content corresponding to user activity, monitoring user activity in a wireless bi-directional communications network, (column 4,line 62-column 5,line 22) and delivering the content to a terminal connected to a wireless unidirectional digital broadband network when the

user activity exceeds the corresponding threshold value (column 4, line 62-column 5, line 22 and figure 2).

Frantz teaches monitoring user activity in a wireless bi-directional communications network within an area and delivering content to a user terminal of a wireless unidirectional digital broadband network when a number of connected user terminals to the wireless bi-directional communications network within the area exceeds a predetermined threshold value (see figures 1 and 2 , column 4, line 40 column 7 line 65).

Claim 35. Frantz teaches the second network includes a register of user activity data derivable by the controller (see column 6, lines 34-63 in which verify the user subscription status" registration").

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 28 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frantz in view of Robinson (US 6,618,585).

Claims 28 and 34. Frantz does not teach the threshold value is corresponding to a number of active user terminals in the area. However, Robinson , teaches broadcast coverage boundaries or cells and the coverage boundaries based on users or volume of



active users, upon volume of user is high the coverage shrinks and if the volume of users is low the coverage boundaries expands, in Robinsons, case a user leaves the coverage low signal reception detects and handoff to another coverage with less number of users, (column 5, line 1-column 6, line 62 and figure 3). Then, it would have been obvious to an artisan of ordinary skill in the art at the time of the invention was made to manage distribution of resource, such as coverage boundaries, based on signal strength or threshold, as taught by Robinson, in order to conserve power of the users device and monitor fading of broadcast signals.

### **Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

The Central FAX Number is 571-273-8300. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public

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3/31/06  
*Tilahun Geesse*  
**TILAHUN GESESSE**  
**PRIMARY EXAMINER**